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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/600,398  | 06/20/2003  | Peter Sibbett        | 48522-22            | 7015             |
| 22504   | 7590        | 01/25/2005           | EXAMINER            |                  |
| DAVIS WRIGHT TREMAINE, LLP<br>2600 CENTURY SQUARE<br>1501 FOURTH AVENUE<br>SEATTLE, WA 98101-1688 |             |                      | MCDOWELL, SUZANNE E |                  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             |                      |                     | 1732             |

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/600,398             | SIBBETT, PETER      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Suzanne E. McDowell    | 1732                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 October 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 12-22 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/17/04</u> . | 6) <input type="checkbox"/> Other: _____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 2-11 in the reply filed on 10/1/04 is acknowledged.
2. Claims 1 and 12-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/1/04.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (US Patent 6,063,315). Keller et al. discloses the claimed limitations as follows: using a two part mold (24, 26) with injection conduits (32, 34, 36) and air injection conduits (38, 40, 42) to form a large article, such as an automobile body part or door (column 5, lines 45-51) by filling the mold cavity with resin, injecting inert gas under pressure into the resin to distribute the resin to the corners of the mold, and ceasing the flow of gas after the molded article has cooled (column 7, lines 6-15). Keller et al. further teaches that the resin may be HDPE, polypropylene, polyester, polycarbonates, acrylics, etc. (column 6, lines 25-30). Keller et al. thereby discloses all of the limitations of claims 2, 3, 5, and 7.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 4, 6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US Patent 6,063,315). Keller et al. teaches the claimed limitations as follows: using a two part mold (24, 26) with injection conduits (32, 34, 36) and air injection conduits (38, 40, 42) to form a large article, such as an automobile body part or door (column 5, lines 45-51) by filling the mold cavity with resin, injecting inert gas under pressure into the resin to distribute the resin to the corners of the mold, and ceasing the flow of gas after the molded article has cooled (column 7, lines 6-15). Regarding claims 4 and 9-11, Keller et al. does not specifically teach that the gas or resin is injected through a nozzle, with a pin. It is generally well known in the art that nozzles are used in gas assist injection molding. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use generally well known apparatus, such as a nozzle, to further define the method taught by Keller et al. in order to more easily control the injection of resin and/or fluid.

Regarding claim 6, Keller et al. does not specifically teach that the fluid injected is nitrogen, water, micromicelle, or foam. Keller et al. does teach that the gas is an inert gas, which is generally well known in the art to be nitrogen. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a generally well known fluid such as nitrogen to further define the method taught by Keller et al., depending upon material cost, availability, characteristics, etc.

Regarding claim 8, Keller et al. does not teach that the resin is colored. Keller et al. does, however, teach that the finished part has a class A finish and does not need to be painted. This implies the use of color in the resin, depending upon the desired appearance of the finished part. Also, it is generally well known in the art to use colored resin, even different colors or resin in the same product. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use well known molding techniques and add color to the resin used by Keller et al. in order to form a finished part which matches the appearance of other parts to be used nearby.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hendry (US Patent 5,098,637); Satoh et al. (US Patent 5,387,391); D'Hooren (US Patent 6,093,365).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on M, W, Th 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEM  
January 24, 2005

  
Suzanne E. McDowell  
SUSANNE E. McDOWELL  
PRIMARY EXAMINER